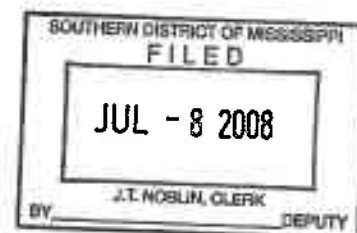


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION



JOHN TREVINO

Plaintiff,

v.

COCA COLA CO., ET AL.

Defendant.

CIVIL ACTION

NO.1:07 cv 1063 HSO-JMR

DEFAULT JUDGMENT

THIS CAUSE came on to be heard upon the Plaintiff's *Motion and Affidavit for Entry of Default and Default Judgment versus Defendant, ASHLEY'S SPORTING GOODS, INC.*, duly filed, served and presented by Plaintiff against Defendant, *ASHLEY'S SPORTING GOODS, INC.*, pursuant to Law and the Rules, *inter alia*, R. 55, and, there being lawful, timely service of Summons and Complaint (First Supplemental and Amending Complaint) upon *ASHLEY'S SPORTING GOODS, INC.*, pursuant to Law and R.4. and Plaintiff appearing by and through counsel on the record and the pleadings, and the Court finding that the Defendant, *ASHLEY'S SPORTING GOODS, INC.*, has not filed any answer nor response to Plaintiff's Complaint (First Supplemental and Amending Complaint) despite having been lawfully served and summoned and cited to appear and answer, and finding that the Clerk having duly entered *Entry of Default* versus *ASHLEY'S SPORTING GOODS, INC., its Assigns and/or Successors in interest* and finding that the Docket, pleadings and documents in the Court File support the

Plaintiff's *Motion and Affidavit for Entry of Default and Default Judgment versus Defendant, ASHLEY'S SPORTING GOODS, INC.*, the Court hereby sustains said Motion, finds that *ASHLEY'S SPORTING GOODS, INC.*, wholly made **default** herein, and hereby grants *Judgment* to the Plaintiff, *JOHN TREVINO*, of from and against *ASHLEY'S SPORTING GOODS, INC.*, and enters judgment on the pleadings and *Default Judgment* versus *ASHLEY'S SPORTING GOODS, INC.*, in favor of the Plaintiff; the Court, further

FINDS, ORDERS and ADJUDGES that all allegations in Plaintiff's pleadings are taken as admitted versus *ASHLEY'S SPORTING GOODS, INC.*, ; and that all allegations are found, deemed and adjudged to be admitted by *ASHLEY'S SPORTING GOODS, INC.*, in fact and by operation of law.

The Court further *FINDS, ORDERS AND ADJUDGES* that *ASHLEY'S SPORTING GOODS, INC., its Assigns and Successors in interest*, infringed upon Plaintiff's copyrights by copying, reproducing and distributing copies of Plaintiff's copyright. The Court further

FINDS, ORDERS and ADJUDGES that the Plaintiff is hereby granted a Judgment of, from and against *ASHLEY'S SPORTING GOODS, INC.*, on all claims, facts and matters alleged, and, all counts and issues, inter alia. The Court further

ORDERS and ADJUDGES that *ASHLEY'S SPORTING GOODS, INC., its Assigns and Successors in Interest*, is liable to Plaintiff for the profits, gains and advantages derived by the Defendant as a result of the copyright infringement, whether direct, contributory and/or vicarious and/or an award of the maximum statutory damages of **\$25,000.00**, whether direct, contributory and/or vicarious, as elected by the Plaintiff pursuant to applicable statutory authority, together with costs of this action, including reasonable attorney's fees. Therefore, The Court, further

ORDERS AND ADJUDGES that a monetary judgment is awarded to Plaintiff of and from the Defendant, ***ASHLEY'S SPORTING GOODS, INC., its Assigns and Successors in Interest***, as a result of the copyright infringement, whether direct, contributory and/or vicarious in the amount of ***\$25,000.00***, together with costs of this action, which includes reasonable attorney's fees with interest at the rate of Eight (8%) per cent per annum.

SO FOUND, ORDERED and ADJUDGED on this the 8th day of July, 2008.



UNITED STATES DISTRICT JUDGE

Submitted By:



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